



# COUNTY OF LOS ANGELES

## DEPARTMENT OF PUBLIC WORKS

*"To Enrich Lives Through Effective and Caring Service"*

900 SOUTH FREMONT AVENUE  
ALHAMBRA, CALIFORNIA 91803-1331  
Telephone: (626) 458-5100  
<http://dpw.lacounty.gov>

**GAIL FARBER, Director**

ADDRESS ALL CORRESPONDENCE TO:  
P.O. BOX 1460  
ALHAMBRA, CALIFORNIA 91802-1460

January 04, 2011

The Honorable Board of Supervisors  
County of Los Angeles  
383 Kenneth Hahn Hall of Administration  
500 West Temple Street  
Los Angeles, California 90012

## ADOPTED

BOARD OF SUPERVISORS  
COUNTY OF LOS ANGELES

22 JANUARY 4, 2011

*Sachi A. Hamai*  
SACHI A. HAMAI  
EXECUTIVE OFFICER

Dear Supervisors:

**AWARD OF A PUBLIC WORKS CONSTRUCTION CONTRACT  
ROSEMEAD BOULEVARD LANDSCAPING PROJECT  
IN THE UNINCORPORATED COMMUNITY OF EAST PASADENA  
(SUPERVISORIAL DISTRICT 5)  
(3 VOTES)**

### **SUBJECT**

This action is to find the bids submitted by the first and third lowest bidders nonresponsive for failure to meet the Underutilized Disadvantaged Business Enterprise goal or fulfill the requirements of a good faith effort as provided in the contract specifications and find the eighth lowest bidder nonresponsive for failure to acknowledge receipt of the bid package addenda; award a public works construction contract for the Rosemead Boulevard Landscaping Project to the second lowest bidder; and authorize the Director of Public Works or her designee to execute a contract for work in the unincorporated community of East Pasadena.

### **IT IS RECOMMENDED THAT YOUR BOARD:**

1. Find Martinez Landscaping Co., Inc., and Land Forms Landscape Construction nonresponsive for not meeting the Underutilized Disadvantaged Business Enterprise goal or making an adequate good faith effort to do so.
2. Find Rancho Pacific Engineering, Inc., nonresponsive for not acknowledging receipt of the addenda.
3. Award and authorize the Director of Public Works or her designee to prepare the construction contract in the form previously approved by County Counsel, execute the contract, and establish the effective date following receipt of the approved Faithful Performance and Labor and Material Bonds

and insurance filed by the contractor for Project ID No. RDC0014601 – Rosemead Boulevard Landscaping Project, construction of landscaping, irrigation systems, river rock paving, and a monument sign, in the unincorporated community of East Pasadena, to Marina Landscape, Inc., in the amount of \$878,660.

### **PURPOSE/JUSTIFICATION OF RECOMMENDED ACTION**

The purpose of the recommended action is to obtain approval from your Board to find the bids of the first, third, and eighth bidders nonresponsive and award this construction contract to the second lowest bidder and authorize the Director of Public Works or her designee to execute the contract and establish the effective contract date following receipt of approved Faithful Performance and Labor and Materials Bonds and insurance filed by the contractor for the construction of landscaping, irrigation systems, river rock paving, and a monument sign for this project.

On October 12, 2010, Agenda Item 31, your Board approved the project, adopted the plans and specifications, called for bids to be received November 9, 2010, and instructed the Executive Officer of the Board of Supervisors to advertise the project.

This contract is bound by Federal regulations, which include requirements to encourage participation by Underutilized Disadvantaged Business Enterprises. The County of Los Angeles (County) set the goal at 5 percent. To be an Underutilized Disadvantaged Business Enterprise, a firm must meet the definition of a disadvantaged business enterprise and the majority of the ownership of the firm must be held by a member or members of the following groups: Black Americans, Native Americans, Asian-Pacific Americans or women. In compliance with these regulations, bidders were required to meet the stipulated goal or submit a "good faith effort" that documents their outreach efforts within four business days of bid opening. These requirements were included in the contract specifications with instructions that failure to meet the goal or submit adequate evidence of an outreach effort would result in the bid being considered nonresponsive.

On November 9, 2010, bids were opened and the lowest bid was from Martinez Landscaping Co., Inc., in the amount of \$829,655.80. However, Martinez Landscaping Co., Inc., and the third lowest bidder, Land Forms Landscape Construction, did not meet the Underutilized Disadvantage Business Enterprise goal or submit adequate documentation to satisfy that the good faith effort criteria as required in the contract specifications was met. Therefore, we recommend the bids by the first and third lowest bidders, Martinez Landscaping Co., Inc., and Land Forms Landscape Construction, respectively, be found nonresponsive. The eighth lowest bidder, Rancho Pacific Engineering, Inc., did not acknowledge receipt of the addenda as required. Therefore, we recommend that this bid also be found nonresponsive. We recommend that the contract be awarded to the second lowest bidder, Marina Landscape, Inc., that submitted an adequate good faith effort within four days of bid opening, as required.

The enclosure includes the project description, the call for bids and bid opening dates, a tabulation of bids, and financial information. The certified record of receipt of bids and the original bid proposal are also enclosed for this project.

The recommended construction contract is necessary to execute a Board directed and approved Department of Public Works (Public Works) project in support of operational missions. Your Board's approval of the recommended contract award and the subsequent execution of the contract will ensure the timely completion of the project.

### **Implementation of Strategic Plan Goals**

The Countywide Strategic Plan directs the provisions of Operational Effectiveness (Goal 1) and Community and Municipal Services (Goal 3). Awarding this contract will provide improved infrastructure to better serve the public and will enhance the quality of life in the affected communities.

### **FISCAL IMPACT/FINANCING**

This action will have no impact to the County General Fund.

The total construction contract amount of \$878,660 is included in the Fifth Supervisorial District's Road Construction Program in the Fiscal Year 2010 11 Road Fund Budget.

The enclosure includes the amount of the recommended contract as compared with the engineer's estimate, the other bids received, and more detailed fiscal and financial information.

### **FACTS AND PROVISIONS/LEGAL REQUIREMENTS**

The contract agreement will be in the form previously reviewed and approved as to form by County Counsel. The recommended contract was solicited on an open competitive basis and is in accordance with applicable Federal, State, and County requirements. The contractor is in compliance with the requirements of the Chief Executive Officer and your Board.

The award of this contract will not result in unauthorized disclosure of confidential information and will be in full compliance with Federal, State, and County regulations. This contract contains terms and conditions supporting your Board's ordinances, policies, and programs including, but not limited to: the County's Greater Avenues for Independence and General Relief Opportunities for Work Programs (GAIN and GROW), Board Policy No. 5.050; Contract Language to Assist in Placement of Displaced County Workers, Board Policy No. 5.110; Reporting of Improper Solicitations, Board Policy No. 5.060; Notice to Contract Employees of Newborn Abandonment Law (Safely Surrendered Baby Law), Board Policy No. 5.135; Contractor Employee Jury Service Program, Los Angeles County Code, Chapter 2.203; Notice to Employees Regarding the Federal Earned Income Credit (Federal Income Tax Law, Internal Revenue Service Notice 1015); Contractor Responsibility and Debarment, Los Angeles County Code, Chapter 2.202; the County's Child Support Compliance Program, Los Angeles County Code, Chapter 2.200; the County's Defaulted Property Tax Reduction Program Ordinance, Los Angeles County Code, Chapter 2.206; and the standard Board-directed clauses that provide for contract termination or renegotiation.

The State Public Contract Code requires the County to award construction contracts to a responsible contractor with the lowest responsive bid, which is defined as the firm that: (1) submits the bid with the lowest cost; (2) is deemed by the County to be responsive to specific criteria under the solicitation including, but not limited to, licensure, bonding, and insurance requirements; and (3) is determined by the County to be a responsible bidder by exhibiting the capability, capacity, experience, trustworthiness, and financial wherewithal to perform the work required under the bid solicitation.

To ensure the contract is awarded to a responsible contractor with a satisfactory history of performance, bidders are required to report violations of the False Claims Act, criminal convictions, civil litigation, defaulted contracts with the County, complaints filed with the Contractor's State

License Board, labor law/payroll violations, and debarment actions. As provided for in Board Policy No. 5.140, the information reported by each respective contractor was considered before making this recommendation to award.

The plans and specifications include the contractual provisions, methods, and material requirements necessary for this project and are on file with Public Works.

### **ENVIRONMENTAL DOCUMENTATION**

This project was found to be categorically exempt from the provisions of the California Environmental Quality Act at the time your Board called for bids. The specifics of this finding are included in the enclosure.

### **CONTRACTING PROCESS**

The contract was solicited on an open-competitive basis in accordance with the provisions of the State Public Contract Code.

The State Labor Code requires contractors to pay prevailing wage rates to all persons employed on public works construction contracts. These rates are determined by the Department of Industrial Relations and include contributions for fringe benefits such as vacations, pension funds, training, and health plans for each employee.

To further increase contractor awareness of contracting opportunities with Public Works, this project was listed on the County website for upcoming bids.

Public Works will review and approve the Faithful Performance and payment bonds filed by the contractor.

### **IMPACT ON CURRENT SERVICES (OR PROJECTS)**

This construction contract will result in improved public works infrastructure in the communities where the work is scheduled.

### **CONCLUSION**

Please return one adopted copy of this letter to the Department of Public Works, Construction Division.

The Honorable Board of Supervisors  
1/4/2011  
Page 5

Respectfully submitted,

A handwritten signature in cursive script that reads "Gail Farber".

GAIL FARBER  
Director

GF:JTS:ss

Enclosures

c: Chief Executive Office (Rita Robinson)  
County Counsel  
Executive Office  
Office of Affirmative Action Compliance

AWARD OF CONTRACT  
January 4, 2011

PROJECT ID NO. RDC0014601 ROSEMEAD BOULEVARD LANDSCAPING PROJECT (in the unincorporated community of East Pasadena), Supervisorial District 5

TYPE OF WORK: Construction of landscaping, irrigation systems, river rock paving, and a monument sign and the performance of other appurtenant work.

CALL FOR BIDS DATE: October 12, 2010 (Agenda Item 31)

BID OPENING DATE: November 9, 2010

BID SUMMARY:

Low	Marina Landscape, Inc. 1900 South Lewis Street Anaheim, California 92805 (714) 939-6600	\$ 878,660.00
2	*KASA Construction, Inc.	\$ 928,998.00
3	American Landscape, Inc.	\$ 943,140.92
4	Pierre Sprinkler and Landscape	\$ 965,132.92
5	Bitech Construction	\$1,014,050.00
6	Yakar	\$1,043,828.58
7	Griffith Company	\$1,066,161.40
8	Sully-Miller Contracting Company	\$1,081,997.60
9	C. S. Legacy Construction, Inc.	\$1,180,798.00
10	Mariposa Landscapes, Inc.	\$1,272,909.10
11	Y & M Construction, Inc.	\$1,296,310.00
12	Mallcraft, Inc.	\$1,501,773.00

\*MWBE

Martinez Landscaping Co., Inc., submitted a bid in the amount of \$829,655.80, and Land Forms Landscape Construction submitted a bid in the amount of \$884,874.80. However, neither of these contractors met or submitted adequate documentation demonstrating a good faith effort toward meeting the project's Underutilized Disadvantaged Business Enterprise goal. Therefore, their bids are considered nonresponsive as provided in the bid documents.

Rancho Pacific Engineering, Inc., submitted a bid in the amount of \$1,026,251.46; however, they did not acknowledge receipt of the addenda. Therefore, their bid was considered nonresponsive and rejected as provided in the Instructions to Bidders.

FINANCIAL INFORMATION:

Amount of estimate	\$1,558,223.00
Amount of recommended contract	\$ 878,660.00
Amount of recommended contract below the estimate	\$ 679,563.00

The amount of recommended contract is 44 percent below the estimate.

The project will be administered under the Federal Transportation Enhancement Program. Under this program, Federal grant funds awarded to local agencies are used to finance a portion of the construction cost of qualifying projects. The project and consultant services contract are included in the Fifth Supervisorial District's Road Construction Program in the Fiscal Year 2010-11 Road Fund Budget.

MINORITY/WOMEN-OWNED BUSINESS ENTERPRISE DATA:

Marina Landscape, Inc., has two MWBE suppliers under this contract.

ENVIRONMENTAL IMPACT:

On October 12, 2010, Agenda Item 31, your Board found this project categorically exempt.

CONSTRUCTION SCHEDULE:

The contract specifications require the work to be completed in 95 working days. It is estimated the work will start in March 2011 and be completed in August 2011.

BP:bc